

REMARKS

Claims 6-7 were presented for examination following a restriction requirement; the remaining claims were withdrawn pursuant to a restriction and election. Claim 6 and 7 have been rewritten as independent claims in view of withdrawal of claim 5 from which they previously depended. No new matter is added by the amendment.

Claims 6 and 7 were rejected based on cited references. The rejections are traversed for the following reasons, and reconsideration in view of these remarks is requested.

The Rejection Under 35 U.S.C. § 102

According to the Office, Suda, Jap. Soc. Carb. Res. Nen kai Yoshshu, vol. 24, 36 (2003) discloses compounds 2b and 2c at page 36, which allegedly anticipate the claimed invention.

The Applicants respectfully point out that the compound of claim 6 contains the structural feature $(\text{OCH}_2\text{CH}_2)_n$, where n is an integer from 1 to 6. This feature is referred to in the specification as an ethylene oxide group or an oligoethylene oxide group. Compounds 2b and 2c in Suda fail to disclose this feature.

Similarly, claim 7 contains features $(\text{OCH}_2\text{CH}_2)_b$, $(\text{OCH}_2\text{CH}_2)_{t^1}$, $(\text{OCH}_2\text{CH}_2)_{t^2}$, and $(\text{OCH}_2\text{CH}_2)_{t^3}$, where b , t^1 , t^2 and t^3 can be 0-6, and claim 7 further says b is not 0 when t^1 , t^2 and t^3 are 0. Since b , t^1 , t^2 and t^3 cannot all be 0 simultaneously, the structures must contain at least one $(\text{OCH}_2\text{CH}_2)$ [ethylene oxide] group. Suda does not disclose this feature, therefore Suda fails to anticipate the claimed invention.

Accordingly, the anticipation rejection based on Suda is overcome and should be withdrawn.

The Rejection Under 35 U.S.C. § 103

Claims 6-7 were also rejected as allegedly obvious based on Suda, with specific reference to compounds 1a-1e in Suda. The Office alleges that “the difference between the instant invention and that of the prior art is that applicant replaces H with alkyl and vice versa, in prior arts’ compounds. Also, the compounds are members of the same homolog series. That is the lengths of alkyl chains are different.” The Office further states that “H and alkyl are art recognized equivalents,” and says that “members of the same homolog series are *prima facie* obvious.”

The Applicant is confused by this rejection, but interprets it to mean that the Examiner failed to appreciate the required presence of the group (OCH₂CH₂) in the claimed compounds. Suda, as pointed out above, fails to disclose any linking groups containing this moiety, (OCH₂CH₂), which is present in the claimed structures. This does not correspond to a substitution of H for alkyl, as the Examiner alleges, nor are the presently claimed compounds ‘homologs’ of those in Suda as the term ‘homologs’ is used in any of the cases that the Examiner cites. Because it does not disclose or suggest a linker containing (OCH₂CH₂), Suda does not establish a *prima facie* case for a rejection of claims 6 or 7, and this rejection should be withdrawn.

The significance of these ethylene oxide groups in the linking moieties of the claimed structures is explained in the application. For example, in the second full paragraph on page 5, the specification explains that “introduction of oligoethylene oxide group into the linker section makes it possible for the linker compound to minimize non-specific hydrophobic interaction and to easily adjust” the length of the linker. Thus the (OCH₂CH₂) moiety introduces an unexpected improvement over compounds such as those in Suda, which lack this feature. Even if a *prima facie* case for obviousness were provided, it is believed that this effect would preclude a finding of obviousness.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 247322003700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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By: / Michael G. Smith /

Michael G. Smith

Registration No.: 44,422

MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5113